IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 31ST MAY 2007 / 10TH JYAISHTA 1929

WP(C).No. 555 of 2007(N)

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PETITIONER:

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K.K. VIJAYAN, S/O. KUMARAN,
AGED 40 YEARS, KOLLASSERIYIL HOUSE,
NELLIMATTOM P.O., KAVALANGAD.

BY ADV. SRI.SAJEEV KUMAR K.GOPAL

RESPONDENTS:

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1. THE KAVALANGAD GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY.

2. THE PRESIDENT,
KAVALANGAD GRAMA PANCHAYAT.

3. THE ASSISTANT ENGINEER,
KERALA WATER AUTHORITY, PUBLIC HEALTH SECTION NO.1
KOTHAMANGALAM.

BY ADV. SRI.M.P.MADHAVANKUTTY
ADV SRI.M.DINESG SC FOR R3

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO. 555 OF 2007 APPENDIX

PETITIONER'S EXHIBITS

Ext.P1: True copy of the sale deed dated 18-9-2006 entered into between the petitioner and Jose P.Issac & P.A.Alli

Ext.P2: True copy of the sketch (site plan) of the petitioner's property prepared by the Deputy Tahsildar Kothamangalam

Ext.P3: True copy of the photographs showing the nature of construction done by the petitioner

Ext.P4: True copy of the application dated 21-12-2006 for assignment of survey number submitted by the petitioner before the Secretary, 1st respondent Panchayat

Ext.P5: True copy of the application for assessing building tax dated 21-12-2006 submitted by the petitioner before the 1st respondent

Ext.P6: True copy of the Order No.PHS1. 112/06 dated 29-12-2006 issued by the 3rd respondent

Ext.P7: True copy of the reply dated 3-1-2007 submitted by the petitioner to Ext.P6, before the 3rd respondent

RESPONDENT'S EXHIBITS

Ext.R3- The true copy of letter from the Kavalangad Grama Panchayat to Assistant Engineer, K.W.A., Kothamangalam

Ext.R3(a) True copy of Inspection Register of 3rd respondent

Ext.R3(b) -True photographs

Ext.R3(c) True copy of Chelan for Rs. 3000/- dated 30-1-2007.

///True copy//

**K.M.JOSEPH. J.**

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**W.P.(C) No. 555 of 2007**

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**Dated this the 31st day of May 2007**

**JUDGMENT**

Petitioner challenges Ext.P6 letter from the 3rd respondent. Petitioner seeks a direction to number the residential building after considering Ext.P7 reply letter.

2. Case of the petitioner is as follows:-

Petitioner is the absolute owner in possession of 12.25 cents of property in Survey No. 259/1B/1 of Kothamanagalam Village in Kothamangalam Taluk. which is on the southern side of National Highway. The petitioner constructed a residential building in the said property by observing the provisions of the Kerala Panchayat Raj Act and Rules. It is stated that the construction is made leaving substantial distance from the public road and even the boundary wall is constructed by leaving around 15 meters from the National Highway. The 3rd respondent issued Ext.P6. It is the case of the respondents that petitioner destroyed a bore well and a pump house and filled the bore well with soil and piece of rocks and constructed a pathway to his residential building. There is a direction to restore the bore well after repairing the same and in case of default, it is stated that they will initiate legal steps against the petitioner.

3. I feel that that the matter is disputed and it may not be

appropriate reconsider it under Article 226 . In regard to the challenge of Ext.P6 it is for the petitioner to seek remedy against Ext.P6 if he is so advised, by approaching the appropriate forum . It is not disputed that the number of the residential building has been granted during the pendency of the writ petition.

Therefore this writ petition is disposed of relegating the petitioner if the petitioner is so advised, to seek remedy against Ext.P6 before the appropriate forum.

**K.M.JOSEPH,JUDGE**

**es**